

**THE INDIANA CIVIL RIGHTS COMMISSION
311 West Washington Street
Indianapolis, Indiana 46204**

**STATE OF INDIANA)
)
COUNTY OF MARION)**

**KATHERINE R. DOBBS,
Complainant,**

**DOCKET NO. EMse82030219
EEOC NO. 053821133**

vs.

**MUNCIE PUBLIC LIBRARY,
Respondent.**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Comes now Robert D. Lange, Hearing Officer for the Indiana Civil Rights Commission ("ICRC") and enters his Recommended Findings of Fact, Conclusions of Law, and Order (hereinafter "the recommended decision"), which recommended decision is in words and figures as follows:

(H.I.)

And comes not any party filing objections to said recommended decision within the ten (10) day period prescribed by IC 4-22-1-12 and 910 IAC 1-12-1(B).

And comes now ICRC, having considered the above and being duly advised in the premises and adopts as its final Findings of Fact, Conclusions of Law, and Order recommended by the Hearing Officer in the recommended decision, a copy of which is attached hereto and incorporated by reference herein.

Dated: December 17, 1982

THE INDIANA CIVIL RIGHTS COMMISSION
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KATHERINE R. DOBBS,
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vs.

MUNCIE PUBLIC LIBRARY,
Respondent.

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Comes now Complainant, Katherine R. Dobbs (“Dobbs”) by counsel, and files her Motion to Withdraw Complaint, which Motion is in words and figures as follows:

(H.I.)

And comes not Respondent, Muncie Public Library (“the Library”), in opposition thereto.

And comes now Robert D. Lange, Hearing Officer for the Indiana Civil Rights Commission (“ICRC”), having considered the above and being duly advised in the premises and recommends that ICRC enter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Dobbs Motion asserts that she wishes to withdraw the instant complaint against the Library because the parties have reached an amicable settlement of the matters at issue.
2. The signature of counsel for Dobbs is one which the Hearing Officer has seen numerous times and appears to be genuine.
3. Dobbs and the Library have both been represented by counsel for some time now.
4. ICRC will almost certainly be apprised of any fraud, duress or lack of authority of counsel through Objections to this recommended decision. (See Conclusions of Law 4, *infra.*).
5. The instant case is set for hearing on February 4, 1983.
6. Any Conclusion of Law which should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. A complaint that has been set for hearing requires written consent of a majority of the members of ICRC to be withdrawn. 910 IAC 1-2-6(A) (ii).
2. The adoption of this recommendation will serve as such written consent.
3. It is appropriate that this cause be dismissed.
 - a. The purpose of the Indiana Civil Rights Law – the promotion of equal opportunity through reasonable methods, IC 22-9-1-2(b) – is furthered by settlement.
 - b. Absent an interest by Dobbs and/or the Library in having ICRC adjudicate their dispute, ICRC has no interest in adjudicating it. [There is no evidence that the alleged wrong is widespread. If there were, any current interest of ICRC in protecting citizens other than Dobbs could be effectuated through a complaint by the Director or Deputy Director. See IC 22-9-1-3(n), 910 IAC 1-1-1-(N).]

- c. ICRC has no reason to consider the terms of any compromise to which it is not a party and which it cannot be called upon to enforce.
4. Any interested and affected person may object to a recommended order within ten (10) days or such additional time as ICRC may grant. IC 4-22-1-12, 910 IAC 1-12-1(B).
5. An Order by ICRC is final only when approved by a majority of its members. IC 4-22-1-11.
6. Any Finding of Fact which should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. Dobbs Motion to Withdraw Complaint should be, and the same hereby is, granted.
2. The instant complaint by Dobbs against the Library should be, and the same hereby is, dismissed.

Dated: December 2, 1982